



**UNITED STATES DEPARTMENT OF COMMERCE**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/797,079	02/10/97	BENNETT	C AT9-97-044

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EXAMINER

DINH, D

ART UNIT

PAPER NUMBER

2153

DATE MAILED:

04/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

08/797,079

Applicant(s)

BENNETT, CRAIG ALAN

Examiner

Dung Dinh

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12, 14-17, 21-25 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14-17, 21-25 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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#### DETAILED ACTION

Applicant's arguments filed 9-28-00 are moot in view of the new ground(s) of rejection.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

**Claims 1, 4-10, 12, 14-17, 21-25, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. US patent 5,737,599 and further in view of Kauffman et al. US patent 5,857,203.**

As per claim 1, Rowe teaches a method, in an Internet client, of downloading a file, consisting of components, from an Internet server to a client, comprising the steps of:

initiating a download sequence by which each component is transferred using Internet protocol; and reassembling the components into the file using a profile [col.25 lines 55-68].

Rowe does not specifically disclose the components being files. Kauffman teaches a file system in which a file is

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divided into smaller pieces with themselves are files and a profile (list) that identifies the pieces [see col.6 lines 35-40, col.7 lines 60-65]. It would have been obvious for one of ordinary skill in the art to use the download method of Rowe with the file system of Kauffman because it would have enable efficient downloading of large file over the Internet.

It is apparent that the system as modified would have download each component files and reassemble the component files using the profile.

As per claims 8, 12, 17, 21, 22, 24, they are rejected under similar rationales as for claim 1 above.

As per claims 4, 23, 25, it is well known in the art to use FTP for file transfer. It would have been obvious for one of ordinary skill in the art to us FTP because is a well known Internet protocol for transferring of file.

As per claims 5, 9, 15, Kauffman discloses the profile includes for each component file an identifier, size, and code uniquely identifying the component [see col.7 lines 60-65].

As per claims 6, 10, 16, it is well known in the art to use CRC code for identifying file object. A method of producing the

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unique code would have been a matter of design choice well within the level of one of ordinary skill in the art.

As per claim 7, Rowe does not specifically disclose verifying the component transferred is part of the file. It would have been obvious for one of ordinary skill in the art to do so because it would have improved the reliability of the system.

As per claim 31, it is rejected under similar rationale as for claim 1 above. Rowe does not specifically disclose the client comprises a remote control unit and a base unit (e.g. Web appliance). The downloading method would work equally well whether the client is a computer or a Web appliance with a remote control and a base unit. Hence, using a Web appliance would have been an obvious variation from the system as modified.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe and Kauffman and further in view of Averbuch et al. US patent 5,689,825.

As per claims 2-3, Rowe does not specifically disclose what happened when download is interrupted. Averbuch teaches a method for transferring file sequences wherein upon interruption of the download sequence, restarting the download at the

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component affected by the interruption [col.6 lines 20-29]. The component transferred prior to the interruption is not re-transferred [col.6 line 29]. Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of Averbuch with the system as modified because it would have improve the efficiency of the downloading.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to:**  
(703) 308-9051, (for formal communications intended for entry)  
(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Sixth Floor (Receptionist).



Dung Dinh  
Primary Examiner  
April 6, 2001